

Previous Staff Reports for 3538 Church Road

Original Staff Report from December 2015 – HPC-15-78

HPC-15-78 – Background & Scope of Work: This application has previously come in for Advisory Comments. The Applicant worked through a series of community meetings, a charrette and several informal meetings to achieve a compatible development plan for the neighborhood. A resident also put together a community workbook, which was shown at the last Commission meeting and is included again in the current packet. The current application is for:

- 1) Demolition of the existing structures.
- 2) Approval for retaining walls larger than two feet high and twelve feet long in a location not visible from a public way.
- 3) The removal of trees 12 inches and larger

As stated in the application, grading has been minimized along Church Road and an enhanced landscape buffer has been proposed. The houses will have rear loading garages and the front of the houses will face Church Road. Most of the grading on-site is interior to the plan, not along Church Road. The majority of the development will be located to the west of the site, bordering the County property. This was desired by the neighborhood and Staff. As a result, steep slope disturbance and the use of retaining walls are required in the area to provide desirable sites for the proposed houses.

Demolition of Structures

The Applicant proposes to demolish the existing house, pool and accessory structures on-site. The existing house dates to 1937. The house has been vacant for several years and in disrepair. The accessory structures likely date to the same time period. A portion of the outbuilding that appears to be a tenant house has collapsed and there is a barn that has almost completely collapsed. The pool will be removed as well.

Construction of Retaining Walls

Four houses will be built on the east side of the property and there will be limited grading along Church Road. Based on the plans, there are four walls total. One wall is approximately 105 feet long and ranges from ground level to 5 feet in height and is located along the northeast side of the community green open space closest to Lot 7 & 8. The second retaining wall is more than 120 feet in length and has a height of 9 feet. This wall is south of Lot 9 & 10. Wall Three is 100 feet long with a max height of 7 feet and is located on the southwest side that will face the forested area and will not be visible from the roads. The fourth wall is approximately 195 feet in length with a height of 12 feet. Wall One will be concrete to support a common drive to lots 9-13. The other retaining walls will be stacked stone.

Removal of Trees

Tree removal along Church Road is proposed due to the poor condition of trees. No development is proposed along the road in these areas; trees are being removed for safety reasons. There are some specimen trees that are proposed to be removed, most of which are located around the existing dwelling and barns. There are 15 specimen trees proposed to be removed and they are in poor condition. Another 136 twelve to thirty inch trees will be removed as needed to construct the new houses and roads. Historically the land was not forested, so these are not old growth trees.

HPC-15-78 – Staff Comments:

Demolition

Section 301 of the Rules of Procedure indicates that documentary evidence must be submitted to support the demolition request. The Rules of Procedure also indicate that before the Commission acts on an application for demolition, they shall determine whether the building is a Structure of Unusual Importance, which is defined by Section 302 (page 14-15) of the Rules of Procedure as:

- 1) Structures deemed by the Commission to be of unusual importance to the Nation, State or County, whose loss would cause great damage to the character and integrity of the historic district.
- 2) Determination that a structure is a Structure of Unusual Importance shall be based on criteria in its adopted guidelines, the testimony of expert witnesses or other documentary evidence presented to the Commission.

If the Commission determines the structure is a Structure of Unusual Importance, they may deny the Application unless:

- 1) The structure is a deterrent to a major improvement program which will be of substantial benefit to the County; or
- 2) Retention of the structure would cause undue financial hardship to the owner; or
- 3) Retention of the structure would not be in the interest of a majority of the persons in the community.

Section 304 of the Rules of Procedure outlines the process for ‘Demolition of Other Structures’. Section 304 states that if the Commission determines the structure is not a Structure of Unusual Importance, they shall vote to approve or deny the application based on the standards in Section 16.607 of the Howard County Code and its adopted Guidelines. The standards for review in Section 16.607 are:

- 1) The historic, architectural, or archeological value or significance of the structure and its relationship to historic value of the surrounding area.
- 2) The relationship of the exterior architectural features of such structure to the remainder of the structure and to the surrounding area.
- 3) The general compatibility of exterior design, scale, proportion, arrangement, texture and material proposed to be used.
- 4) Any other factors, including aesthetic factors, which the Commission deems to be pertinent.

Staff does not find that the building is of Unusual Importance and finds that it does not have a significant architectural or historic value to the surrounding area. It is a different architectural type than the neighboring homes and is not an outstanding example of its type. The Applicant has always stated that demolition is part of the plan for the development and Staff and the Commission has never expressed any concern.

Retaining Walls

Chapter 9.A recommends, “minimize grading by siting new structures and other improvements to make use of the land’s natural contours. When necessary, use appropriate designed retaining walls to create the minimum level area needed for a new use in accordance with historic development patterns.” In this instance as explained above, the retaining walls are necessary in order to shift the majority of the development away from the neighboring historic structures. The retaining walls will be located interior to the site and should not be highly visible from Church Road or Court House Drive. However, Staff is

concerned about the height of some of the retaining walls at the edge of the property. Staff has requested additional information regarding the height and length of the retaining walls. Staff recommends the walls be terraced so that there is not one large expanse of wall, which would better comply with the above Guideline.

Chapter 9.D recommends, “construct new site features using materials compatible with the setting and with nearby historic structures, particularly for features visible from a public way.” Staff has requested a sample of the stone for the more visible retaining walls, but finds concrete is acceptable for the less visible walls. However, the concrete should be treated with a color or have a stamped pattern to resemble stone, so that if the walls are visible from the road, they will blend in with the surroundings. Staff is concerned of the linear distance of walls and the height of the walls throughout the site.

Tree Removal

The removal of the large specimen trees that are in poor condition comply with Chapter 9.B recommendations, which only recommend against removal of live mature trees unless it is necessary due to disease. These trees are in poor health and as such need to be removed. The other smaller trees need to be removed. For the healthy trees that are in the way of construction, Staff recommends compensation by adding to the landscape plan in caliper size and quantity to offer the community a more mature wooded area, buffer to neighbors and help with water infiltration.

Future Recommendations

The Applicant has provided the same material that was provided last time, in addition to new materials for the current scope of work. That information is helpful to have again, as the Commission has changed in membership since the last time this case was heard.

As Staff mentioned at the last meeting, the proposed housing types are mostly compatible with the district and with The Woods of Park Place subdivision across the street. However for the purpose of future meetings for the construction of the houses, Staff finds that House D as rendered is not compatible due to the large section of stone in the middle.

HPC-15-78 – Staff Recommendation: Staff recommends approval of the demolition of the house and tree removal. Staff has requested more information on the height and length of the walls at the time the agenda was printed and has no recommendation at this time, pending review of the plans. However, based on the items submitted, Staff recommends the Applicant consider terracing the walls to have shorter sections of wall, instead of one large retaining wall.

Original Staff Report from February 2016 – HPC-16-06(a)

HPC-16-06(a) – Background & Scope of Work: This project came before the Commission in December 2015 for the removal of the house, construction of retaining walls and removal of trees. The Applicant withdrew the request for tree removal and construction of the retaining wall, but was approved for the demolition of the existing house.

Retaining Walls

The Applicant now seeks approval to construct the retaining walls and remove the trees. The application states:

“Since the larger wall (the wall located at the terminus of Deanwood Avenue into the development) along the sand filter facility is part of the main infrastructure for the subdivision, the wall will require approval to help support approval of the subdivision. This wall’s design will not change with the Site Development Plan submission where the proposed houses and lot grading will be approved. This is a key reason for this request for approval being made at this time rather than waiting until the time of submission of a Site Development Plan. Since this property is zoned R-ED, the Preliminary Equivalent Sketch Plan will go to the Planning Board for approval. Planning Board will want to see that main infrastructure for the site is approved at the time of this Preliminary Equivalent Sketch Plan. With regard to the proposed retaining walls, the preference is to construct poured in place concrete walls face with cut stone. Although this is the preference, the developer is open to other options that may be preferable to the Historic Preservation Commission.”

In this revised plan, 2 of the 4 walls, Wall #1 and #3, have been eliminated. The first wall, which has been removed, was around open space Lot 16. The lot has been graded to fulfill the required 3,900 square feet of level open space, but without having a retaining wall. That wall varied in height, with a maximum wall height of 5 feet. The second wall located at the terminus of Deanwood Avenue into the development behind Lot 9 remains. Upon entering the driveway, the wall will be 2 feet high and will be faced with stone and have an additional 2 foot high black metal railing above the wall, allowing a 4 foot barrier at the terminus of Deanwood Avenue. The other side of the wall that is not visible from Church Road will be as follows: as the wall spans to the east it will increase to 8’ 8” high at Section C-C, then decreases to 6’ 6” high at Section B-B, and up to 7’ 8” inches high at Section A-A. The maximum wall height will be a 12 foot drop into the stormwater management facility. The third wall was eliminated from the plan which was behind Lot 3. The fourth wall will be located at the rear of the development behind Lots 1 and 2. The maximum wall height in this location will be 3 feet high. At section F-F the wall will be 1’ 2” high and will go up to 2’ 7” high at section E-E, directly behind Lot 1, toward the end of the wall. The original proposed fourth wall had a max height of 12 feet so this wall has been reduced by 9 feet in some areas.

Tree Removal

Regarding the trees, the application states:

“Tree removal is being submitted for similar reasons. Although the trees will not be removed at this time, the intent to remove the trees will be key in obtaining subdivision approval in order to show that houses can be constructed on the proposed lots. Again, the Site Development Plan will show grading, house locations, and driveway construction, which will be approved by the Historic Preservation Commission at a later date, but the tree removal proposes will allow for the creation of the lots and show the intent for trees to be removed.”

The Applicant proposes to remove 146 trees that are 12 inch or greater for the construction of the 13 houses. There was opposition to tree removal along Church Road, so the three trees that were going to be removed due their poor condition will now remain. The County Landscape Manual requires 8 shade trees, 2 evergreens and 7 shrubs to be installed to meet the minimum site landscape obligations. The application explains that “as part of the proposed landscaping, credit has been taken for 1 existing tree and 10 shade trees, 22 evergreens and 7 shrubs were proposed on the Preliminary Equivalent Sketch Plan. This is 3 shade trees and 20 evergreens more than required that are proposed to enhance the existing buffers along Church Road. As part of the retaining wall views attached, we have added 3 additional shrubs and 1 additional evergreen to soften the appearance of the end of the wall of the Y turnaround.”

HPC-16-06(a) – Staff Comments: The proposed black metal railing is very typical of those found within the Ellicott City Historic District and complies with Chapter 9.D recommendations, “install open fencing, generally not more than five feet high, of wood or dark metal” and “construct new site features using materials compatible with the setting and with nearby historic structures, particularly for features visible from a public way.” The various types of stone walls identified in Ellicott City are all appropriate options. Staff recommends that the style of wall chosen have variety in the stone color, which is lacking in the example from the Parking Lot C wall (the granite there is one color, but the size of the blocks more closely match the existing wall).

Staff finds the retaining walls have been significantly improved from the previous submittal. The walls have been reduced from 4 walls to 2 walls. The plan shows Wall #1 will be 12 feet high at its maximum height, but otherwise varies in lower heights. Wall #2 will be very low and is not of concern as it is under 3 feet high. The wall material has also drastically improved from the stacking block and will be faced with real stone. The use of stone faced walls complies with Chapter 9.D of the Guidelines, which states, “new granite walls are expensive, but retaining walls faced with granite or with a surface treatment that resembles Ellicott City’s typical stonework can be appropriate in visible locations.” The use of a stone facing on the wall also complies with Chapter 9.D recommendations, “construct new site features using materials compatible with the setting and with nearby historic structures, particularly for features visible from a public way.”

While the removal of large trees is concerning, aerial photography over the years confirms that much of the area was pasture land and only became heavily wooded in the 1970s. There was a dense treeline along Church Road that was evident in the 1940s and 1950s, but was eradicated in the early 2000s with the construction of the Woods of Park Place and to present day has not been filled back in with new street tree plantings. Chapter 9.B of the Guidelines recommends, “retain mature trees and shrubs. Provide for their replacement when necessary” and “retain landscaping patterns that reflect the historic development of the property. Use historic photographs or landscaping plans if these are available.” Historically this area has been open fields with large specimen trees and new growth forest. While 11 specimen trees will be removed in order to accommodate the new lots, about 27 specimen trees will remain. There will be new landscaping added back along the street, as well as along the Deanwood Avenue extension into the subdivision.

HPC-16-06(a) – Staff Recommendation: Staff finds the Applicant significantly reduced the number of retaining walls needed and finds the landscaping plan shows that plantings have been adequately addressed. As such, Staff recommends Approval as submitted.

HPC-16-06(b) – Background & Scope of Work: This application is being continued from the February 2016 meeting. On February 4, 2016 the Applicant came before the Commission for approval to construct two retaining walls and remove 146 trees. The Commission approved the construction of the retaining walls at that time, but the tree removal was continued to be heard at the March 2016 meeting. Three of the trees located along Church that were originally proposed to be removed were changed to remain after the December meeting.

The Applicant has submitted additional information regarding the proposed removal of trees. The additional information explains that the majority of the specimen trees proposed to be removed are Silver Maples, which can have a very intrusive root system that would impact paving and have been known to break through house foundation walls and sewer lines. The application states that the trees vary in condition from good to poor. The Applicant is looking into retaining two of the three Black

Walnut trees on Lot 5 & 6, that are proposed to be removed and the application states that a plan to retain two of the three will be presented at the March meeting. John Canoles with Eco-Science Professional, Inc. is the environmental consultant and will be in attendance at the March meeting to discuss the condition of the trees.

The new information provides an assessment of the trees on the property, breaking down the number of trees found in certain diameter breast height (DBH) ranges and the approximate age of the tree. The majority of the trees on the property have an average DBH range of 13"-16.3" as shown in the chart to the right.

The Applicant has also submitted photographs of the specimen trees that are proposed to be removed. Several of the trees appear to be in very poor condition, with obvious limb dieback, trunk rot, split trunks, and broken limbs.

	All Trees	Trees to be Removed	Trees to be Retained
Total Trees	247	135	112
Average size dbh	16.2"	16.3"	16.3"
Median tree size dbh	15.5"	15.5"	15.5"
Most frequent dbh	13"	13"	12"
Range	12-29"	12-27.5"	12-29"
Most common species/% occurrence	Tulip poplar 69%	Tulip poplar 73%	Tulip poplar 66%
Estimated Age range (calculated by multiplying most frequent and average tree sizes by 3 - growth factor of poplar)	39-49 years	39-49 years	39-49 years
Non-native/landscaping trees	38	16	22
Trees rated poor/fair condition	29	21	8
Number of different species	22 includes 10 species of invasive or landscaping	20 includes 10 species of invasive or landscaping	13 includes 6 species of invasive or landscaping

Figure 5 - Chart of Trees for HPC-16-06(b)

HPC-16-06(b) – Staff Comments: The photographs and report provided show that the removal of some of the trees would comply with Chapter 9.B recommendations, which recommends against “the removal of live mature trees, unless it is necessary due to disease or to prevent damage to historic structures” and that considers Routine Maintenance to be, “removing dead or certifiably diseased trees.” While these trees are living, they are very visibly nearing the end of their life cycle and appear in very poor condition.

The Guidelines explain that “mature trees are important to Ellicott City...Some, such as the silver maple trees along upper Church Road (planted in 1888), are similar in age to nearby historic buildings. These and other trees that are tied to the history of the area should be carefully protected.” The three silver maple specimens that are located along Church Road will no longer be removed. However, there are other silver maples that are proposed to be removed located interior to the site and their conditions are documented in the report submitted.

Staff supports the current proposal to possibly save two of the walnut trees, which would comply with Chapter 9.B recommendations, “Retain landscaping patterns that reflect the historic development of the property. Use historic photographs or landscaping plans if these are available” and “Retain mature trees and shrubs. Provide for their replacement when necessary.” The majority of the specimen trees to be removed appears to be silver maple, but they do not all appear to be in good condition. The majority of the non-specimen trees to be removed appear to be tulip popular, but they are the younger of the trees to be removed as well.

HPC-16-06(b) – Staff Recommendation: Staff recommends saving two of the black walnut trees as mentioned. Staff finds many of the silver maples that are to be removed are in poor condition and agrees that they should be removed.